

UNITED STATES DISTRICT COURT  
for the  
Northern District of West Virginia

FILED

JUN 18 2018

U.S. DISTRICT COURT-WVND  
WHEELING, WV 26003

DANIEL CURTIS BALLINGER, Petitioner,

\_\_\_\_\_  
*Plaintiff(s)*

v.

JENNIFER SAAD, Warden, Respondent.

Civil Action No. 5:17-CV-158

\_\_\_\_\_  
*Defendant(s)*

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that:

☐ Judgment award      ☐ Judgment costs      ☒ Other

other: Pursuant to FRCP 58, the Clerk is directed to enter judgment on this matter.

This action was:

☐ tried by jury      ☐ tried by judge      ☒ decided by judge

decided by Judge Frederick P. Stamp, Jr.

IT IS ORDERED AND ADJUDGED that the Report and Recommendation of the Magistrate Judge is AFFIRMED and ADOPTED; the Writ of Habeas Corpus under 28 U.S.C. Section 2241 is DENIED; Respondent's motion to dismiss or, in the alternative, for summary judgment is GRANTED and this civil action is DISMISSED WITH PREJUDICE and STRICKEN from the active docket of this Court.

Date: June 18, 2018

CLERK OF COURT

Cheryl Dean Riley

By: A. O. Abraham

Signature of Clerk or Deputy Clerk